

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**GERALDO M. QUEZADA,**

**Defendant.**

**CASE NO. 8:05CR397**

# MEMORANDUM AND ORDER

This matter is before the Court on the following: the Magistrate Judge's Report and Recommendation (Filing No. 25) recommending that the Defendant's motion to suppress (Filing No. 24) be denied; the Magistrate Judge's Report and Recommendation (Filing No. 28) recommending that the Defendant's amended motion to suppress (Filing No. 26) be denied; and the Defendant's motion to suppress (Filing No. 34).

### ***Reports and Recommendations (Filing Nos. 25, 28)***

No objections have been filed to the first Report and Recommendation (Filing No. 25) as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a). With respect to the second Report and Recommendation (Filing No. 28), no objections were filed.<sup>1</sup> However, a duplicate motion to suppress was filed. (Filing No. 34.)

Pretrial motions were to be filed on or before December 12, 2005. The Defendant did not request a continuance of that date. The motions to suppress were filed on March 8, 16 and 28, 2006. Judge Gossett set out the underlying facts and determined that the

<sup>1</sup>The Court notes that objections are not required to be filed until April 3, 2006. However, trial begins on April 4, 2006. In light of the impending trial date and noting that the timing issue was caused by the Defendant's tardiness in filing of the motion that resulted in the Report and Recommendation, the Court will decide this matter now.

motions should be denied because they were untimely filed absent a showing of good cause.

Notwithstanding the absence of objections to the Reports and Recommendations, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. Because Judge Gossett fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendations.

***Motion to Suppress (Filing No. 34)***

The motion is denied as untimely. Insofar as counsel intended to object to Judge Gossett's Reports and Recommendations by filing a duplicate copy of the previously filed motion to suppress, the "objection" is denied because it fails to meet the requirements for such objections described in NECrimR 57.3(a).

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 25) is adopted in its entirety;
2. The Defendant's motion to suppress (Filing No. 24) is denied;
3. The Magistrate Judge's Report and Recommendation (Filing No. 28) is adopted in its entirety;
4. The Defendant's amended motion to suppress (Filing No. 26) is denied; and
5. The Defendant's motion to suppress (Filing No. 34) is denied.

DATED this 29<sup>th</sup> day of March, 2006.

BY THE COURT:

S/Laurie Smith Camp  
United States District Judge